FILED

08 MAY 15 AM 10:09

CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

David CASTELLANOS-Flores

Defendant

Magistrate Case No. '08 MJ 1510

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Aliens Without Presentation

The undersigned complainant being duly sworn states:

On or about **May 13, 2008**, within the Southern District of California, defendant **David CASTELLANOS-Flores**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Fredy ROSAS-Rangel, Isabel CRUZ-Hernandez**, and **Norberto HERNANDEZ-Aguilar**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **15th** day of **May, 2008**.

UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO

ARV

PROBABLE CAUSE STATEMENT

The complainant states that **Fredy ROSAS-Rangel, Isabel CRUZ-Hernandez,** and **Norberto HERNANDEZ-Aguilar** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 13, 2008, at about 5:35 p.m., **David CASTELLANOS-Flores** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a white 2002 Chevrolet 2500. Defendant presented a counterfeit Mexican passport and an altered United States Visa, bearing the name Angel Ibarra Martinez to a United States Customs and Border Protection (CBP) Officer. Defendant stated he was going to National City to visit a friend and claimed ownership of the vehicle. The CBP Officer noticed that the documents presented by Defendant were counterfeit and called for assistance. While the CBP Officer waited for assistance to arrive, he asked Defendant what was behind the seat. Defendant admitted that there was an unknown amount of people concealed in the back. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, a cursory inspection of the vehicle led to the discovery of four concealed persons behind the rear seating area of the truck, hidden under a thin layer of plywood with a black cloth draped over them. It appears that the rear bench was removed in order to create enough space to conceal the four human beings. A layer of yellow foam rested flat on the floor for comfort. The four individual were determined to be citizens of Mexico without legal documentation to enter the United States. Three of the four undocumented aliens were retained as a material witness and are now identified as: **Fredy ROSAS-Rangel (MW1), Isabel CRUZ-Hernandez (MW2),** and **Norberto HERNANDEZ-Aguilar (MW3).**

During a videotaped proceeding, Defendant was advised of his Miranda Rights and elected to submit to questioning without benefit to counsel. Defendant admitted he was aware the vehicle contained an unknown number of concealed aliens. Defendant admitted he was to receive a payment of $1000.00 USD to smuggle undocumented aliens into the United States and deliver them to Chula Vista, California.

On separate videotaped interviews MW1, MW2 and MW3 admitted they are citizens of Mexico without legal documentation to enter the United States. MW1 admitted he was to pay an unknown amount to be smuggled into the United States. MW1 admitted he intended travel to El Monte, California to seek employment. MW2 and MW3 admitted they each agreed to pay a fee of $3,500.00 USD to be smuggled into the United States and intended to travel to Los Angeles, California to reunite with family.